

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/790,488 Confirmation No.: 9527
Applicant : Sherman, et al.
Filed : March 1, 2004
Art Unit : 1617
Examiner : Betton, Timothy E.
Customer No. : 38199
Title : ANTINEOPLASTIC COMBINATIONS

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Applicants have requested (June 9, 2009 Response and Amendment) that the finality of the December 30, 2008 Office Action be withdrawn as improper (premature), consistent with MPEP §706.07(a). Concurrently with the filing of this Letter, Applicants are filing a "conditional" Request for Continued Examination (MPEP §706.07(h)III.C.), given June 30, 2009 is the six-month non-extendable deadline for response to the December 30, 2008 Office Action. Should the finality of the December 30 Action be withdrawn, Applicants request that this RCE not be entered, as improper following a *non-final* Office Action (37 CFR §1.114(b)).

Applicants have authorized the applicable RCE fee to be charged to our deposit account, no. 08-3040, should the USPTO not withdraw the improper finality of the prior Action.

Appln No. 10/790,488
Letter

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application to Deposit Account Number 08-3040.

Respectfully submitted,
HOWSON & HOWSON LLP

Dated: 6/30/2009

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